

Congress of the United States
Washington, DC 20515

July 14, 2020

The Honorable Michelle Park Steel
Chair, Second District
County of Orange
333 W. Santa Ana Blvd.
Santa Ana, CA 92702

The Honorable Andrew Do
Vice Chairman, First District
County of Orange
333 W. Santa Ana Blvd.
Santa Ana, CA 92702

The Honorable Donald P. Wagner
Supervisor, Third District
County of Orange
333 W. Santa Ana Blvd.
Santa Ana, CA 92702

The Honorable Doug Chaffee
Supervisor, Fourth District
County of Orange
333 W. Santa Ana Blvd.
Santa Ana, CA 92702

The Honorable Lisa A. Bartlett
Supervisor, Fifth District
County of Orange
333 W. Santa Ana Blvd.
Santa Ana, CA 92702

Frank Kim
County Executive Officer
County of Orange
333 W. Santa Ana Blvd.
Santa Ana, CA 92702

Dr. Clayton Chau
Director, Health Care Agency
County of Orange
333 W. Santa Ana Blvd.
Santa Ana, CA 92702

Dear Chair Steel, Vice Chairman Do, Supervisor Wagner, Supervisor Chaffee, Supervisor Bartlett, Mr. Kim, and Dr. Chau:

We write to express our strong concerns regarding the County's use of federal funding to prevent, test, trace, treat, and limit COVID-19 in our communities. Spiking infection, ICU occupancy, and mortality rates are gravely concerning — especially after recent developments that the County's Health Care Agency incorrectly added 30,000 serology tests to the diagnostic test counts over several weeks. The erroneous inflation of COVID-19 testing data, top public health officials' resignations, and pervasive difficulty accessing tests have raised serious questions.

Throughout the coronavirus crisis, we have remained committed to providing financial support to the County for its efforts to combat COVID-19. We helped pass the bipartisan CARES Act, which provided \$554 million to the County to cover expenses necessary to prevent, test, and treat COVID-19 infections. We voted for The Heroes Act, which would provide an estimated \$3.8 billion to local governments in Orange County — including \$1.8 billion to the County itself. We write today to ask how those dollars are being used to protect the lives and livelihoods of Orange County working families and small businesses.

Exaggerated data, posted for several weeks, painted a distorted picture of the public health reality of Orange County — leading to today’s drastic increases in COVID-19 infections, hospitalizations, and deaths:

- During our delegation call on June 24, 2020, we were told serology tests were mistakenly added to the total test count for the County.
- It is our understanding that serology tests started to be included in the total test count on April 28, 2020 — the same day that the County released reopening guidelines.
- The County’s Health Care Agency initially reported to the Orange County delegation that this error was discovered sometime in mid-May — the same time period that the County submitted its attestation to the State to modify the stay-at-home order and the COVID-19 death toll in Orange County surpassed 100.
- The County later publicly announced that the error was discovered on June 3, 2020 — five days before former Health Officer, Dr. Nichole Quick, resigned after facing death threats and protests at her home over a mandatory face-covering order.
- Two days after we were told about this error, the County updated its website on June 26, 2020, to remove the erroneous 30,000 diagnostic tests added to the total.

The addition of 30,000 serology tests to total testing numbers calls into question the County’s attestation to the State to modify stay-at-home orders.

To protect Orange County’s public health and economy, we believe it is critical the County is fully transparent about its use of the \$554 million in federal funding we secured as well as its COVID-19 data. As such, we request answers to the following questions:

1. Other than the \$101 million that the County allocated to support businesses and city government on May 26, 2020, we understand that the County has committed funds provided by the CARES Act to testing, personal protective equipment, disease control, food assistance, behavioral health, and other COVID-19 related expenses. We ask that you please provide detailed information about how the County has used such funds to respond to this public health emergency up to this point and how the County plans to use remaining funds.
2. We have heard contradictory information about how the County learned about and responded to the addition of serology testing numbers to the overall figures for diagnostic testing in Orange County. Given disparate information provided to the delegation, when and how was this error discovered? When was the Board notified of this error? Why did it take weeks to notify the delegation and the public? Did the inclusion of 30,000 serology tests in the numbers of diagnostic tests impact the County’s attestation to the State? If it did not impact the attestation, how was the County able to use data absent the serology tests if it was submitted on May 21, 2020, a full two weeks before the mistake was supposedly discovered on June 3, 2020?
3. How has the County used federal funding to carry out contact tracing implementation? How can we effectively contact trace if we are receiving over 1,000 cases per day? If there are significant delays in receiving testing results, how can we effectively contact trace if we are not getting such results in near real time?

4. We understand that the County is working to stand up a new program that is intended to improve access to testing for essential workers. How is the County paying for this effort? How will this effort impact availability of testing and the timeliness of results for essential workers and other County residents?

Your responses to the questions above will help us continue to work together on the federal and local levels to protect Orange County's working families and small businesses. Thank you for your attention to these urgent matters. We are looking forward to your prompt response.

Sincerely,



Harley Rouda
Member of Congress



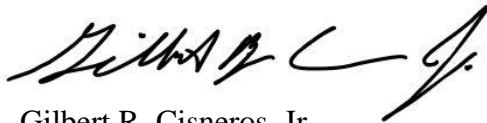
J. Luis Correa
Member of Congress



Alan Lowenthal
Member of Congress



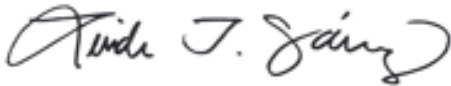
Katie Porter
Member of Congress



Gilbert R. Cisneros, Jr.
Member of Congress



Mike Levin
Member of Congress



Linda T. Sánchez
Member of Congress